

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

In re:

LOWELL ENOS FARMER,

CHAPTER 13

Debtor.

CASE NO. 05-60315-WA1-13

**COUNTRYWIDE HOME LOANS, INC., AS
SERVICER FOR THE SECRETARY OF VETERANS
AFFAIRS,**

Plaintiff.

vs.

**LOWELL ENOS FARMER
HERBERT L. BESKIN, ESQUIRE, TRUSTEE,**

Defendants.

**MOTION FOR RELIEF
AND NOTICE OF HEARING INCIDENT THERETO**

NOTICE

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WISH THE COURT TO GRANT THE RELIEF SOUGHT IN THE MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN WITHIN FIFTEEN (15) DAYS FROM THE DATE OF SERVICE OF THIS MOTION, YOU MUST FILE A WRITTEN RESPONSE EXPLAINING YOUR POSITION WITH THE COURT AND SERVE A COPY ON THE MOVANT. UNLESS A WRITTEN RESPONSE IS FILED AND SERVED WITHIN THIS FIFTEEN (15) DAY PERIOD, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE MOTION AS CONCEDED, AND ISSUE AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT FURTHER NOTICE OR HEARING.

IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE EXPIRATION OF THE FIFTEEN (15) DAY PERIOD.

**ATTEND THE PRELIMINARY HEARING SCHEDULED TO BE HELD ON
DECEMBER 22, 2005 AT 9:30 O'CLOCK AM IN THE U. S. BANKRUPTCY
COURT, LYNCHBURG DIVISION, U.S. BANKRUPTCY COURT, 1101
COURT STREET, COURTROOM #210, LYNCHBURG, VA 24504.**

NOTICE FROM SAMUEL I. WHITE, P.C.

PURSUANT TO THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT, WE ADVISE YOU THAT SAMUEL I. WHITE, P.C., COUNSEL FOR THE PLAINTIFF, IS A DEBT COLLECTOR, ATTEMPTING TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION WE OBTAIN FROM YOU WILL BE USED FOR THAT PURPOSE.

**MOTION FOR RELIEF
AND NOTICE OF HEARING INCIDENT THERETO**

The Motion of Countrywide Home Loans, Inc., as Servicer for The Secretary of Veterans Affairs, by Counsel, hereby moves the Court for relief from the automatic stay and in support thereof represents unto the Court:

1. This Court has Jurisdiction over this proceeding pursuant to 28 U. S. C. Sections 157 and 1334 and 11 U. S. C. 362 (d), and that this matter is a core proceeding.

2. The Debtor filed a Petition under Chapter 13 of the Bankruptcy Code on January 29, 2005 .

3. The Debtor is the owner of the real property located at 111 Kings Drive, Lynchburg, VA, which property is described as:

That certain lot or parcel of land, together with the buildings and improvements thereon and the privileges and appurtenances thereon and the privileges and appurtenances thereunto belonging, situate, lying and being in the City of Lynchburg, Virginia, and designated as Lot No. 8, upon a plat entitled "PLAT SHOWING LOT 8, SUBDIVISION OF J.B. STEPHENS, FOR RICHARD C. WILLS, LYNCHBURG, VIRGINIA", dated March 13, 1979, made by Thomas W. Guffey, C.L.S., of record in the Circuit Court Clerk's Office for the City of Lynchburg, Virginia in Deed book 564, at page 120.

4. Plaintiff is the assignee for value and holder of a certain Deed of Trust Note, which Note is secured by a Deed of Trust of even date and duly recorded.

5. The account is in arrears 7 post-petition mortgage installments, with the post-petition reinstatement through November, 2005 being \$4,638.14, which figure is calculated as follows:

7 monthly payments (05/05-11/05) @ \$534.02/month	\$ 3,738.14
Bankruptcy fees and costs	<u>900.00</u>
Total	\$ 4,638.14

6. The unpaid principal balance due on said note is \$77,203.12.

7. It is the opinion of the Plaintiff that the Debtor is financially unable to maintain said obligation and that Plaintiff will suffer irreparable injury, loss and damage if it is not permitted to foreclose upon its security interest; otherwise Plaintiff is without adequate protection.

WHEREFORE, Plaintiff prays that it be granted relief from the provisions of the automatic stay with regard to the said real property in order to pursue its rights pursuant to the terms of the Note and Deed of Trust, to include the initiation of Foreclosure proceedings, and further requests that the ten (10) day stay be waived incident to any Order entered incident to the Motion for Relief herein.

COUNTRYWIDE HOME LOANS, INC., AS SERVICER
FOR THE SECRETARY OF VETERANS AFFAIRS

By: **/s/D. Carol Sasser**

Of Counsel

Samuel I. White, P. C.

D. Carol Sasser, Esquire, VSBN 28422

209 Business Park Drive

Virginia Beach, VA 23462

CERTIFICATE

I certify that a true copy of the foregoing Motion and Notice of Hearing was mailed this 18th day of November, 2005, to Herbert L. Beskin, Esquire, Trustee, Post Office Box 2103, Charlottesville, VA 22902-2103; H. David Cox, Esquire, Counsel for Debtor, 900 Lakeside Drive, Lynchburg, VA 24501; and Lowell Enos Farmer, Debtor, 111 Kings Drive, Lynchburg, VA 23501 and Yoni Farmer, Co-Debtor, 111 Kings Drive, Lynchburg, VA 23501.

/s/D. Carol Sasser

Samuel I. White, P. C.